

Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)

Docket No.  
97-564-C1

In Re Application Of: ANDREW S. VAN LUCHENE



Serial No.  
09/777,297

Filing Date  
February 6, 2001

Examiner  
Not Yet Assigned

Group Art Unit  
2162

Invention:

**METHOD AND APPARATUS FOR CONTROLLING OFFERS THAT ARE PROVIDED AT A POINT-OF-SALE TERMINAL**

**ASSISTANT COMMISSIONER FOR PATENTS**

Attention: Office of Petitions  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1.  A proposed reply to the above-identified Office Action:

is enclosed.  was filed on \_\_\_\_\_

**RECEIVED**

MAY 22 2002

The proposed reply is in the form of: \_\_\_\_\_

2.  The issue fee:

is enclosed.  was paid on \_\_\_\_\_

**OFFICE OF PETITIONS**

3.  A small entity declaration:

05/22/2002 AWOMDAF1 0000004 500271 09777297

is enclosed.  was filed on \_\_\_\_\_

01 FC:241 640.00 CH

4.  The abandoned application was a:

design application.  utility application.  plant application.

5.  A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6.  Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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| Serial No. | Filing Date      | Examiner         | Group Art Unit |
|------------|------------------|------------------|----------------|
| 09/777,297 | February 6, 2001 | Not Yet Assigned | 2162           |

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**METHOD AND APPARATUS FOR CONTROLLING OFFERS THAT ARE PROVIDED AT A POINT-OF-SALE TERMINAL**

**Calculation and Payment of Fees**

Enclosed are the following fees:

7.  Petition fee under 37 CFR 1.17(m) in the amount of: \$640.00

8.  Fee for amendment in the amount of: \_\_\_\_\_

9.  Fee for extension of time to reply to Office Action in the amount of: \_\_\_\_\_

10.  Issue fee in the amount of: \_\_\_\_\_

11.  Continuing application filing fee in the amount of: \_\_\_\_\_

12.  Terminal disclaimer fee in the amount of: \_\_\_\_\_

13.  \_\_\_\_\_

Total fees enclosed: \$640.00

The fee of \$640 is to be paid as follows:

A check in the amount of the fee is enclosed.

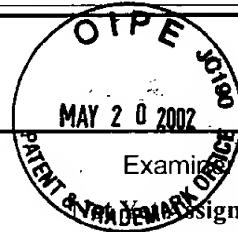
The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-0271

A duplicate copy of this sheet is enclosed.

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**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Through a review of the above-referenced case, it has come to Applicants' attention that the time limitation allowed by the USPTO to correct the informalities indicated on the Notice to File Corrected Application Papers which was mailed on March 19, 2001, was unintentionally missed.

The error stemmed from Applicants' reliance on CPI, a patent management software system that is used for docketing actions, which indicated the action due but did not specify extension times and an eventual final due date (please see copy enclosed). The software system will be updated manually from now on, in order to provide the above mentioned dates for all similar future activities.

Responsive to the Notice to File Corrected Application Papers, enclosed please find a substitute specification formatted with proper margins in compliance with 37 CFR 1.52.

Applicants respectfully request that the formal application be accepted and that it should replace the informal one submitted on the filing date.

Signature

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PTO Registration No. 40,484  
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203.461.7300/fax

Customer No. 22927

Alderucci@walkerdigital.com  
cc:

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**MAY 22 2002**

**OFFICE OF PETITIONS**

Dated: May 15, 2002

I certify that this document and fee is being deposited on May 15, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Veronika S. Leliever

Typed or Printed Name of Person Mailing Correspondence